

OPTIONAL FORM NO. 10
JULY 1973 EDITION
GSA FPMR (41 CFR) 101-11.6

UNITED STATES GOVERNMENT

*Memorandum*TO : Assistant Attorney General
Office of Legal CounselDEC 10 1 48 PM '78
DEPT. OF JUSTICE
CENTRAL INTELLIGENCE
OFFICE OF LEGAL COUNSEL
AND FINANCE

DATE: December 15, 1978

FROM : David Ryan, Security Officer
FBI

SUBJECT: SENSITIVE COMPARTMENTED INFORMATION

By letter dated September 7, 1978, the Chairman of the Security Committee (SECOM) of the Director of Central Intelligence (DCI) staff requested, in behalf of the Intelligence Community, the assistance of the FBI in creating a central file at FBI Headquarters for the purpose of maintaining information. This information would consist of the identities and identifying data relating to individuals who had been denied access to Sensitive Compartmented Information (SCI) by various Intelligence Community components.

At the present time, each Intelligence Community component is required to make a determination as to those individuals in its employ or under contract with them who are to be permitted access to SCI. In the instance of denials for access, information relating to the denial is often maintained by the denying organization for a period such as six months. The individual components are of the belief that the Privacy Act prohibits the individual Intelligence Community agencies from maintaining records which are not "relevant and necessary to accomplish a purpose of the agency authorized to be accomplished by statute or Executive Order of the President (5 USC 552a (e) (1))."

Thus, an individual who has been denied access by one Intelligence Community agency may, at a subsequent date, apply for SCI access at a second agency and the latter would not have knowledge of the previous denial or the basis therefor. The Chairman of the Security Committee has suggested that, as Intelligence Community directives require a name check be submitted to the FBI in every instance where an individual is being considered for SCI access, it would be proper and practical for the FBI to maintain a file as a central repository for SCI denial information. The maintenance of such a control file would readily enable an Intelligence Community agency to determine if an SCI applicant had been denied prior access.



Buy U.S. Savings Bonds Regularly on the Payroll Savings Plan

FBI REVIEW COMPLETED

ATTACHMENT 1

Assistant Attorney General
Office of Legal Counsel

Executive Order 12036, effective January 24, 1978, Section 1-1403, authorizes the FBI to "support foreign intelligence collection requirements" of the Intelligence Community. Traditionally, and based on Executive Order 10450, the FBI has been a repository for information reflecting upon suitability and we, of course, have supported the Intelligence Community by responding to national agency name check requests, which enable suitability judgments to be made regarding access authorizations. Based on our traditional role as a Government repository for suitability information, our responsibility to support the Intelligence Community, and because we are the most logical and practical agency to assist in maintaining access denial information, we believe we should respond affirmatively to the request of the DCI.

In addition to the two Executive Orders, we believe the information we will be maintaining relating to SCI denials impacts on our foreign counterintelligence and national security responsibilities, as well as our responsibilities as a member of the Intelligence Community, to assist in the protection of classification national security information.

Our inquiries have determined that at this time slightly less than 3,000 SCI denials occur annually. We conceive a system whereby a standardized form would be utilized by each Intelligence Community component to refer basic information relating to each individual denial to the FBI. We would establish a special file in our general file system indexed to our general indices to maintain denial information. When a name check request is submitted by an Intelligence Community component, based on the requirement for SCI access, a search of our indices would readily identify the serial in the file setting forth the identity of the denied applicant and the basis for the denial. At that time, a response would be made to the appropriate Intelligence Community organization submitting the name check, alerting it to the identity of the other Intelligence Community agency responsible for the prior denial. Appropriate caveats would be placed in the file to ensure responses are made only to Intelligence Community requests. This planned procedure is

Assistant Attorney General
Office of Legal Counsel

compatible with our present filing and name check procedures and we do not foresee a significant impact on our resources at this time.

In the event a Freedom of Information/Privacy Acts (FOIPA) request was received by the FBI relating to an SCI denial, the information would be furnished to the originating agency, which would be responsible for the response. This is in accordance with our present FOIPA procedures.

I have further explored this procedure, in conjunction with the SECOM, and believe it is practical, logical and in the interests of national security. In the event you should have any question regarding the feasibility of our instituting the SCI denial central repository file, please do not hesitate to call upon me (FBI extension 4901).

Because of the somewhat unique aspects of this proposed procedure, I am requesting, in behalf of the FBI and the Intelligence Community, your concurrence for its implementation.